

REMARKS

This Amendment is filed in response to the Office Action mailed on September 1, 2006. All objections and rejections are respectfully traversed.

Claims 47-96 are currently pending.

Claims 1-46 were previously cancelled.

Specification Objections

At paragraph 2 of the Office Action, the Examiner objected to the arrangement of the specification. Applicant has added some headings to the specification. However, Applicant notes that the guidelines are only suggested for Applicant's use.

Claim Rejections – 35 USC §112

At paragraphs 4-5 of the Office Action, the Examiner rejected claim 94 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner states that the specification fails to disclose that the information is sent to the network by a mobile phone.

Applicant notes that page 27, lines 12-25 within the description in the published application (specification) disclose a mobile telephone sending messages to a telephone node within the monitoring device. Additionally, other locations within the description disclose multiple uses for a mobile telephone to be used with the monitoring device. Ac-

Accordingly, claim 94 should be allowable over the §112, first paragraph rejection because use of a mobile telephone is sufficiently disclosed in the specification.

At paragraphs 6-7 of the Office Action, claim 67 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Examiner states that “such as” renders the claim indefinite. Applicant has amended the claim, and claim 67 should be allowable over the §112 rejection.

Claim Rejections – 35 USC § 102

At paragraphs 8-9, claims 47-55, 57-60, 63, 65-69, 72-77, 80-86, 88, 89, 91-93, and 95-96 were rejected under 35 U.S.C. §102 as being anticipated by Sharood et al., US Patent Application Publication No. 2001/0025349, hereinafter Sharood.

Applicant respectfully points out that Sharood has a filing date that is after the priority date of the current application. Specifically, the priority date of the current application is August 20, 1999. The earliest priority date of Sharood is January 7, 2000, based on the earliest provisional application of Sharood. Thus, Sharood should not be considered prior art over Applicant’s invention, and therefore, the rejection should be moot. Accordingly, claims 47-55, 57-60, 63, 65-69, 72-77, 80-86, 88, 89, 91-93, and 95-96 should be in condition for allowance.

Claim Rejections – 35 USC § 103

At paragraphs 10-12 of the Office Action, claims 61, 64, 90, and 96 were rejected under 35 U.S.C. §103 as being unpatentable over Sharood.

The rejection should be withdrawn because as pointed out above Applicant's priority date is before the earliest priority date of Sharood. Accordingly, claims 61, 64, 90, and 96 should be in condition for allowance.

At paragraph 13 of the Office Action, claim 62 was rejected under 35 U.S.C. §103 as being unpatentable over Sharood, in view of Nakamura, US Patent No. 5,019,935, hereinafter Nakamura. The Examiner primarily relies on Sharood for its rejection of claim 62, and thus, the rejection should be withdrawn as Sharood has a priority date later in time than Applicant's priority date. Additionally, claim 62 depends from independent claim 47, which is believed to be in condition for allowance. Accordingly, claim 62 is believed also to be in condition for allowance.

Allowable Subject Matter

At paragraph 14 of the Office Action, the Examiner stated that claims 49, 53, 56, 70, 71, 78, 79, 81, and 87 would be allowable over the prior art if rewritten in independent form. Applicant believes that claims 49, 53, 56, 70, 71, 78, 79, 81, and 87 are in condition for allowance, because the independent claims from which they depend are in condition for allowance.

In light of the above, all independent claims and dependent claims that depend therefrom are believed to be in condition for allowance.

Favorable action is respectfully solicited.

Please charge additional fee occasioned by this paper to our Deposit Account

No. 03-1237.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Shannen C. Delaney', is written over a horizontal line.

Shannen C. Delaney

Reg. No. 51,605

CESARI AND MCKENNA, LLP

88 Black Falcon Avenue

Boston, MA 02210-2414

(617) 951-2500